

- ☐ a check covering the fee of \$150.00 under 37 C.F.R. § 1.179; **AND**
- ☐ Under 37 C.F.R. § 1.107(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:
- ☐ a final action under 37 C.F.R. § 1.113;
  - ☐ termination of prosecution, e.g. *Ex Parte Quayle*, M.P.E.P. § 609(1)(5); OR
  - ☐ a notice of allowance under 37 C.F.R. § 1.311.
- AND** is filed on or before payment of the issue fee; **AND** is accompanied by:
- ☐ the statement as specified in 37 C.F.R. § 1.107(e) as set forth below, and
  - ☐ a fee of \$150.00 ☐ 37 C.F.R. § 1.179.

STATEMENTS UNDER 37 C.F.R. 1.27(c)

- STATEMENTS UNDER 37 C.F.R. § 1.245**
- 1** Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent or foreign patent office in a counterpart foreign application having a filing date not more than three months prior to the filing date of this information disclosure statement; or
- 2** No item of information contained in this information disclosure statement was cited in a communication from a foreign patent or foreign patent office in a counterpart foreign application, and to the best of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was cited by any individual designated under 37 C.F.R. § 1.245(c)(2) more than three months prior to the filing date of this information disclosure statement.

## CASE MATERIALS

- CITED MATERIALS**
- ☐ Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. \_\_\_\_\_, Form 823 by the Examiner and/or Form 1442 by the applicant; see 37 C.F.R. § 1.98(d).
- ☐ Copies of materials listed but not attached were cited in an international search report dated \_\_\_\_\_.
- ☒ Copies of the materials listed are attached.

#### NON-ENGLISH LANGUAGE REFERENCES

- Non-English Language References**
- ☐ An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).
- ☐ A foreign language search report from a foreign patent office is provided, and the relevant parts are translated subsubstantively below:

- document of particular relevance when it is taken alone  
document of particular relevance when it is combined with another such  
document  
document defining the unusual state of the art  
non-written disclosure  
interrelated document  
document cited to understand the theory or principle underlying the invention  
parent document which has the benefit of a date earlier than the filing date and  
which was published orally on or after this filing date  
cited in the application  
cited for another reason  
publication of a member of same patent family

- [ ] Translation of other relevant information on foreign search report

### OTHER INFORMATION

~~PAYMENT OF FEE DUE ON ANY~~

- PAYMENT OF FEE:** PLEASE PRINT
- ☐ A check for \$ \_\_\_\_\_ covering the fee identified above is attached.
- ☐ Please charge to Deposit Account No. 13-3402 \$ \_\_\_\_\_ for the fee identified above.
- ☒ The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account No. 13-3402, two copies of this paper are attached for this purpose.
- Respectfully submitted,

John A. Seal, Reg No. 33,103  
Attorney for Applicants

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Attorney Docket No. MERCK 3270  
Date: May 11, 2004

**CERTIFICATION OF FACSIMILE TRANSMISSION**  
I hereby certify that this copy is a true and correct copy of the original document.  
Date: 11/11/88 Time: 10:00 AM  
Page 1 of 1

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
BOETTCHER, Henning, et al  
Serial No.: 10/031,367  
Filed: June 3, 2002

Examiner: Richard L. RAYMOND  
Group Art Unit: 1624

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MAY 12 2004

Title: N-(INDOL-CARBONYL)-PIPERAZIN DERIVATIVES

PETITION UNDER 37 C.F.R. § 1.113(c)  
FOR WITHDRAWAL FROM ISSUE

VIA FACSIMILE 703-872-9306  
Mini Stop 31363  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby Petition for Withdrawal from Issue of this application under 37 C.F.R. § 1.113(c) for consideration of a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114. The RCE is attached hereto and is being filed for consideration of an Information Disclosure Statement.

Authorization is given to charge the amount of \$130.00 due for payment of the fee under 37 C.F.R. § 1.17(b) for this Petition to applicant's representatives' Deposit Account No. 13-3402. Any additional fees necessary for consideration and grant of the petition may also be charged to this account.

Respectfully submitted,

*John A. Sopp*  
John A. Sopp, Reg. No. 33,103  
Attorney/Agent for Applicant(s)

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Attorney Docket No.: Merok 2370  
Date: May 11, 2004

CALCULATION OF FACSIMILE TRANSMISSION  
I hereby certify that this paper is being transmitted via facsimile to the following address:  
VIA FACSIMILE 703-872-9306  
Facsimile No. 10/031,367  
Date: June 3, 2002  
Examiner: RICHARD L. RAYMOND  
Group Art Unit: 1624  
Signature: *John A. Sopp*

Under the Patent and Trademark Act of 1980, no fee is required to request a RCE. However, a fee is required to request a RCE under 37 C.F.R. § 1.114.

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

Submission (b) of 37 U.S.C. § 132, effective on May 20, 2000, provides for continued examination of an application for a patent. The RCE is a request for continued examination of the application under 37 C.F.R. § 1.114. The RCE is a request for continued examination of the application under 37 C.F.R. § 1.114. The RCE is a request for continued examination of the application under 37 C.F.R. § 1.114.

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above identified application. The RCE is a request for continued examination of the application under 37 C.F.R. § 1.114. The RCE is a request for continued examination of the application under 37 C.F.R. § 1.114.

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97. ☐ I am requesting a RCE under 37 C.F.R. § 1.114. I am requesting a RCE under 37 C.F.R. § 1.114. I am requesting a RCE under 37 C.F.R. § 1.114.

98. ☐ I am requesting a RCE under 37 C.F.R. § 1.114. I am requesting a RCE under 37 C.F.R. § 1.114. I am requesting a RCE under 37 C.F.R. § 1.114.

99. ☐ I am requesting a RCE under 37 C.F.R. § 1.114. I am requesting a RCE under 37 C.F.R. § 1.114. I am requesting a RCE under 37 C.F.R. § 1.114.

100. ☐ I am requesting a RCE under 37 C.F.R. § 1.114. I am requesting a RCE under 37 C.F.R. § 1.114. I am requesting a RCE under 37 C.F.R. § 1.114.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
Henning BOETTCHER et al.  
Serial No.: 10/031,367  
Filed: June 3, 2002  
Title: N-(INDOL-CARBONYL)-PIPERAZINE DERIVATIVES

Confirmation No.: 8082  
Examiner: Richard L. Raymond  
Group Art Unit: 1624

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.26, 1.97 AND 1.98

VIA FACSIMILE 703-872-9306  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.26, 1.97 and 1.98 as follows:

## TIMING AND FEE

- ☒ Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement if filed:
- ☐ within three months of the filing date of a national application other than a PCT application under § 1.23(a);
  - ☐ within three months of the actual filing date of the national phase of a PCT application; OR
  - ☒ before the mailing of a first substantive office action (including a first office action under 37 C.F.R. § 1.23(a)).
- ☐ Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:
- ☐ a final rejection under 37 C.F.R. § 1.113;
  - ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P. § 609(1)(2); OR
  - ☐ a notice of allowance under 37 C.F.R. § 1.311; and
- is accompanied by:
- ☐ the statement as specified in 37 C.F.R. § 1.97(d) set out below; OR